REMARKS

The Applicants respectfully request reconsideration in view of the following remarks. No claims have been amended. No claims have been added. Claim 10 was previously cancelled. Accordingly, claims 1-9 and 11-29 are pending in the Application.

I. Claim Rejections – 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-7, 9, 11-16 and 27-29 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,613,146 issued to Gove *et al.* ("Gove"). Claims 8 and 17-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gove.

The Applicants understand that the current Examiner of this application may not have review the file history in full detail, because the Applicants have already addressed a rejection in view of Gove and the rejection was subsequently withdrawn.

Specifically, in the Final Office Action mailed April 18, 2006, Examiner Dillon cited Gove to support a rejection of the claims. In response, the Applicants filed a Pre-Appeal Brief Request for Review on July 18, 2006 in which the Applicants noted the irrelevance of Gove in relation to a data-driven processor as claimed. The Examiner then withdrew Gove as a basis for rejection in the subsequent Office Action mailed July 27, 2007.

For assistance, provided below is the Applicants' earlier argument regarding Gove's inapplicability to the subject matter of the current application (which was previously presented to the Examiner in the Pre-Appeal Brief Request for Review filed on July 18, 2006).

The issue central to this request for review is the Examiner's position that Applicants' claimed invention does not discern between a **data driven processor** and a **von-Neumann processor**. As conceded by the Examiner, Gove teaches a typical von-Neumann-type processor. According to the Final Office Action mailed April 18, 2006, Applicants' claimed *data driven processor* is merely "a processor which is driven by data", and accordingly does not distinguish between what is understood by those skilled in the art as a data driven processor and a von-Neumann processor. For that reason, the Final Office Action holds that Gove either anticipates or renders obvious Applicants' claims. This rejection is flawed for the following reasons.

Although there is precedent which holds that the Patent and Trademark Office is not required in the course of prosecution to interpret the claims in the same manner as a court would

interpret them in an infringement suit, the claims nevertheless must be given a **reasonable** interpretation that is consistent with the interpretation that those skilled in the art would reach. Although the words of a claim must be given their "plain meaning" unless they are defined in the Specification, the plain meaning nevertheless must be discerned in the particular context **as understood by one of ordinary skill in the art**. Courts have recognized this and have therefore clarified that "plain meaning" refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art. In this case, given Applicants' discussion in paragraph [0002], in the Background section, the art cited to the Examiner, and the Google™ search results provided here, a von-Neumann architecture as understood by those of ordinary skill in the art is different than a data driven or data flow architecture. Applicants understand that broad interpretation by the Examiner reduces the possibility that a claim, once issued, will be interpreted more broadly than is justified. However, in this case, Applicants should not be required to unreasonably amend the claims, as the term *data driven processing* has no chance of being interpreted more broadly than is justified.

Firstly, as a practical matter, it is noted that had the Applicants intended to claim broader coverage, it would have been a very simple matter to simply omit the words *data driven*. That is not the case here as both the claims and the rest of the Applicants' Specification only refer to *data driven processing*. This is, of course, in contrast to von-Neumann-type processors as clearly stated in Applicants' Specification. Indeed, the second paragraph of Applicants' Specification describes certain aspects of a data driven architecture in contrast with the von-Neumann architecture. Moreover, Applicants have not only cited (via information disclosure statement) an article which describes a non-von-Neumann data driven processor ("Sharp Develops the World's First Non-von-Neumann Data-Driven Parallel-Processing Media Processor", March 31, 1997, see page 5), but also further demonstrate here the understanding of one of ordinary skill in the art by submitting the results of a Google™ search for *data driven processor*. The enclosed search results show the top ten hits, every one of which refers to a *data driven processor*. Also enclosed are copies of articles corresponding to the first four hits. Each article begins its discussion with a brief reflection on how a data driven (or data flow) architecture is different from a von-Neumann architecture. Accordingly, this evidence firmly supports the understanding of one of ordinary skill in the art that the von-Neumann-type

processing of Gove does not teach or suggest a *data driven* architecture, as the two are understandably different and are easily distinguished by those of ordinary skill in the art.

Further, the Examiner has not cited any reasons why these previously presented arguments regarding Gove's inapplicability were unpersuasive or incorrect.

Accordingly, it is submitted that the claims are distinguishable with respect to Gove at least for the above reasons, without requiring amendment. Reconsideration and withdrawal of all the art rejections in view of Gove is therefore requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: 10/1/09

By _____
Farzad E. Amini, Reg. No. 42,261

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(310) 207-3800

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I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on the date below.

_____ 2009-10-01
Jessica Huester *Date*